

REMARKS

Claims 1, 3, 6-8, 12, 15, 18, 27-28, 30-31 and 33-48 are pending in the present application. In the above amendments, claims 1, 3, 6-8, 12, 15, 18, 27-28 and 30-31 have been amended, claims 2, 4-5, 13-14, 16-17, 29 and 32 have been cancelled, and new claims 33-48 have been added.

Applicant respectfully responds to this Office Action.

Claim Rejections – 35 USC § 101

Claim 30 was rejected under 35 U.S.C. §101 as being directed to non-statutory matter. The Examiner suggested the use of one of several examples of claim language that empirically links the program and processor/medium together. Claim 30 has been amended according to the language in suggested example 2.[d]. According, claim 30 now recites statutory matter, and the rejection of claim 30 under 35 U.S.C. §101 should be withdrawn.

In a Response to Arguments, the Examiner indicated that the term “about” in claims 3, 15, 28 and 31 could be interpreted as indeterminate, and should be modified. Claims 3, 15, 28 and 31 have been amended to remove the term “about” from the respective claims. Therefore, Applicant has addressed the concerns regarding the interpretation of these claims.

Claim Rejections – 35 USC § 112

Claim 30 was rejected under 35 U.S.C. §112, first paragraph, because the specification makes reference to non-statutory medium/program embodiments such as waves, signals, etc. In accordance to one of two alternative suggestions by the Examiner, Applicant has deleted the last sentence of paragraph [0053] in the specification. Accordingly, the medium in claim 30 should be interpreted to encompass all applicable statutory embodiments, and should not be interpreted to encompass any non-statutory embodiments, according to legal determination of statutory and non-statutory subject matter.

Claim Rejections – 35 USC § 103

Claims 1, 3, 12, 15, 27-28 and 30-31 were rejected as being unpatentable over U.S. Patent No. 5,077,791 to Salihi in view of U.S. Patent No. 6,151,677 to Walter et al., and further in view of U.S. Patent No. 5,805,084 to Mannisto. Claims 6-8 and 18 were rejected as being unpatentable over the Walter et al. and Mannisto patents, and further in view of U.S. Patent No. 6,442,406 to Harris et al.

In the Response to Arguments, the Examiner indicated that a “more favorable outcome may occur if the applicant were to amend each independent claim as follows:

Claim 1 + claim 2 + claim 4 + (claim 5 or 6).”

Independent claim 1 has been amended to combine the feature of previous claims 1, 2, 4 and 5, as indicated by the Examiner. Accordingly, the rejection of claim 1 as being unpatentable over the Salihi patent in view of the Walter patent, and further in view of the Mannisto patent, is respectfully traversed. Claim 1, as amended, recites a method comprising entering a personal identification number (PIN) each time the wireless handset is activated to register as a secure user to allow a secure call, and determining whether a wireless handset is in a traditional mode, in an autosecure mode, or in a secure-only mode. If the handset is currently in the traditional mode, a secure call is originated if a send/talk key is held for a time period greater than the predetermined amount of time, and a clear call is originated if the send/talk key is held for a time period less than the predetermined amount of time. Alternatively, if the handset is currently in the autosecure mode, a secure call is originated if the send/talk key is held for a time period less than the predetermined amount of time, a confirmation request to originate a clear call is sent if the send/talk key is held for a time period greater than the predetermined amount of time, and a clear call is originated if the confirmation request is confirmed. Finally, if the handset is currently in the secure mode, a secure call is originated. The Salihi, Walter and Mannisto patents fail to disclose or suggest entering a personal identification number (PIN) each time the wireless handset is activated to register as a secure user to allow a secure call, pressing a send/talk key for a predetermined amount of time, and determining whether the handset is in a traditional mode, in an autosecure mode, or in a secure-only mode, as recited in amended claim 1. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1.

It is respectfully submitted that dependent claims 3 and 6-8 are at least allowable for the reasons given above in relation to independent claim 1.

Claims 12, 15, 18, 27-28 and 30-31 are wireless apparatus, wireless handset, and computer program product claims having features defined by language similar to that of method claims 1, 3 and 6. Accordingly, claims 12, 15, 18, 27-28 and 30-31 should be at least allowable for the reasons given above with respect to claims 1, 3 and 6.

New Claims

In the Response to Arguments, the Examiner indicated that a "more favorable outcome may occur" if the applicant were to amend each independent claim as follows:

Claim 1 + claim 2 + claim 4 + (claim 5 or 6)."

New Independent claim 33 combines the feature of previous claims 1, 2, 4 and 6, as indicated by the Examiner. New Independent Claims 37, 41 and 45 are wireless apparatus, wireless handset, and computer program product claims having features defined by language similar to that of method claim 33. Accordingly, new claims 33-48 recite patentable advances over the cited art, and should be allowed.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: April 16, 2009

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